

Coventry Fire District  
Monday August 31, 2015

Agenda

Coventry Fire District

Date of meeting: Monday August 31, 2015

Time of meeting: 6:30 PM

Location: Club Jogues 184 Boston St. Coventry, RI 02816

1. Emergency Evacuation Procedure
2. Pledge to the flag
3. Roll Call
4. Minutes
5. Treasurer's report
6. Accepting credit card payments
7. Open Session (Discussion and/or Discussion/Action)
  - a. Collective Bargaining concessions Fiscal 2015
  - b. Collective Bargaining Negotiations Fiscal 2016 c. Layoffs
8. Adjourn Meeting

Posted

Anthony Fire Station

Coventry Housing Authority

Coventry Shell

Meeting is called to order. Chief Perra points out emergency exits. John Cook leads the Pledge of Allegiance. Roll Call, John Cook, John D'Onofrio, Frank Palin, Sam Rachiele, and Brenda Raposo all present.

Sam Rachiele makes a motion to accept the minutes presented by the clerk, seconded by Brenda Raposo, all in favor, motion passes.

John Cook makes a motion to amend the agenda. John Cook would like to add to the agenda discussion / action from the letter that was sent to the Board members from Representative Nardolillo in reference to the petition that was presented to the Board at the last meeting. The motion is seconded by John D'Onofrio. Frank Palin states that he has contacted Rep. Nardolillo and presented to him, that the Board attorney would be in touch with him and send him a formal notification of the reason why that meeting was not held. Frank states he wanted that on the record. Frank states he doesn't see the need for this to be added to the agenda, however there is a motion and a second so a roll call vote is taken. John D'Onofrio, John Cook, Brenda Raposo and Sam Rachiele all vote aye, Frank Palin votes no-motion passes. Frank states that will be added to the agenda after the treasurers' report. John Cook also makes a second motion to amend the agenda by removing Item 7c Layoffs, seconded by John D'Onofrio. Frank Palin begins to speak but is called out of order by John D'Onofrio reason being that the agenda is not changed at this point. Frank states he is commenting on the motion. We have two terrible options, Frank Palin continues, first is to layoff the firefighters, and the reason why the discussion has been all of them is because minimum staffing forces us into a position where it's all or none, we can't go in between with the contract the way it is. The other bad choice is if the layoffs are not voted for, the district will run out of money, the Union will be contacting the Department of Labor and filing a complaint. We are in violation of the law if we cannot meet payroll. John D'Onofrio calls Frank out of order, for discussing an agenda item that is trying to be removed. Frank continues that the district is violating its fiduciary responsibility. Roll call vote for the motion on the table to remove Item 7c Layoffs from the agenda. Mr. Cook aye, Mr. D'Onofrio aye, Frank Palin no, Sam Rachiele aye, Brenda Raposo no. Motion passes.

John D'Onofrio makes a motion to amend the agenda to open the meeting to public comment, Seconded by John Cook. All in favor? John D'Onofrio and John Cook aye, opposed are Frank Palin, Sam Rachiele and Brenda Raposo who all vote nay, motion fails.

#### Treasurers Report – David Krekorian

David states that he has been explaining over the past several meetings that the cash flow for this year is not good and that there won't be enough cash to make it through the end of the year. At this point there is approx. \$24,000.00 in available cash. The ability for Coventry Fire to pay payroll and other payables including health insurance and retirement plans, utilities and all other operating cost is dependent upon how much money is collected. Tax collections in August were approx. \$55,000.00. Monthly expenses run about \$170,000.00. That figure is for a two payroll month, a three payroll month runs about \$240,000.00. Right now there are about \$624,000.00 in receivables of which \$301,000.00 due by Oct 31, 2015. David states that over the past two years there has been 350 to 400 thousand dollars that has not been paid that carries over into the next year. David states that of that \$624,000.00 that is due, we really don't know how much of that we will collect. We are dependent on how much cash comes in. It is doubtful that payroll can stay current through the end of 2015. David states that it will not be possible to make payroll this week, unless we collect about \$50,000.00 in receivables.

Payables as of ten days ago were approx. \$55,000.00 plus National Grid and Kent Country Water they total about \$300,000.00, there is probably about another \$25,000.00- \$50,000.00 in bills not received yet. Blue Cross has been paid for August but not for September which was due last week. We have another liability insurance premium that is due Oct 1, 2015 about \$8,000.00. That is the summary of cash flow and expenses as of tonight David adds that we are required to have a financial audit by the State. David has prepared a request for proposals for this financial audit. This is the first time an audit has ever been done. Any auditor will probably want a substantial deposit up front if not all of the payment. The fiscal year ends Nov. 30<sup>th</sup> the audit would probably not be completed until after April 2016. David is not sure if the district could get a firm as it would be the busiest time of the year. David states the first budget meeting for 2016 will be the week Sept 21, 2015. When David has a list of attendees he will schedule a day and location that is convenient to all. John D'Onofrio asks if we will be putting out a call to the public to have people sit in on that as well. David states that he has put out a call at every meeting stating that anyone can participate. John D'Onofrio states that a budget commission is being put together and asks that if people would like to sit in on these meetings and give their thoughts and skills. Mr. Krekorian will chair those meeting and John D'Onofrio states he will serve as a board member. John opens the offer to a member of the Union as well. John Cook agrees. John D'Onofrio asks if anyone is opposed to a Union member sitting on the budget commission, no opposition. Anyone is welcome. Please contact David. A motion is made to accept the treasurer's report by John Cook, seconded by Brenda Raposo. All in favor, aye, motion passes.

#### Mr. Nardolillo's letter

Frank Palin asks if anyone has a copy of the letter, John Cook does. John D'Onofrio asks Mr. Nardolillo to come up, Frank asks Mr. Nardolillo to read the letter.

Mr. Nardolillo begins by stating that he is standing here because of the nine thousand people that live in this fire district. They are extremely concerned, and have reached out to several of the Town Council members. He states their main concern is their safety and His main concern is their safety. He states a tax payer of the district has reached out to him, who had petitioned for a special meeting. He states he was not at the meeting at the time the petition came forth, although he attempts to attend 100 percent of the meetings to stay informed. The information came to him from the tax payer who stated that protocol was followed for the meeting and it was not granted and asked Mr. Nardolillo if there was a violation. Mr. Nardolillo stated he would need a few days to look into it. After the research was completed aprox 4-5 days it was concluded that all the requirements to call the meeting had been met, and yet the meeting was not approved. The content of the meeting wasn't of question, the question was should the meeting be granted. Mr. Nardolillo states that the taxpayer stated they wanted a meeting and they fulfilled the proper protocol, legal counsel looked at it, and they feel as if the taxpayers should have had their meeting. Mr. Nardolillo speaks to the Chair explaining that taxpayers are becoming more desperate as meetings become more frequent as it relates to their safety. Mr. Nardolillo states that the decisions being made by the Chair need to be though through very very well, as these decisions will affect nine thousand people, and cautions to be very careful on the decisions that are made because they affect many families, of which many are elderly. Mr. Nardolillo speaks of past meetings before the referendum, where he had requested that tax payers be informed of what their decision would mean whether they were to vote yes or no. If these answers were not to be included in any mailing he states he had asked that there be an informational area for voters to go to for answers. He states that he came to the referendum looking for the informational area, it was not there. The fact

that no information was available left taxpayers confused about what they had voted on. Mr. Nardolillo states his decision is to support whatever the decision of the district is, not to make the decision for nine thousand people, it is to support whatever that decision was. He adds that he was extremely uncomfortable knowing that that (information area) wasn't here. John D'Onofrio states it was his contention, earlier in the month, that the Board had no jurisdiction because the bylaws supersede and state the Clerk must call with a minimum of eighty signatures. John states the Boards legal counsel disagrees with that, however Mr. Nardolillos' legal counsel says taxpayers are within their right. Mr. Nardolillo states again that they fulfilled all the protocol necessary to have a special meeting. John states that he stands by his original belief that the bylaws allow for the taxpayers to call a meeting. What they discuss at the meeting may be of question, the fact to call a meeting is not in question. John continues to say that the Board has no authority to say whether or not they can call a meeting, the Clerk must call the meeting per the bylaws. He states there was some discussion of the Board controlling the Clerk, the bylaws control the Clerk, the Board does not control the Clerk.

Frank Palin asks legal counsel Tim Williamson to address this, as not everyone has heard what he said last time. Tim Williamson states that there is no legal provision in the bylaws, or in the state law as it relates to either an impeachment or recall of a board of directors. If you want to have a special meeting, have a special meeting that's great, the content of the special meeting was to have a recall. There is no provision in the law to allow for that, period. John D'Onofrio asks if that is something to be discussed at the meeting while it is being held. Tim Williamson responds that there is no legal method to get to that point of a meeting, there is no provision in your bylaws. John D'Onofrio states that there is, and mentions that there is nothing in the bylaws that says we can call for a layoff of firefighters. Tim States that layoffs are in the collective bargaining agreement. John states the meeting was requested and per the bylaws we must grant the meeting, the bylaws are clear on that. Tim states you can grant the meeting but you can't discuss an issue. John states that's okay, that's an argument to be made at the meeting, they can't not have the meeting. Tim states he stands by what he has said. John D'Onofrio respects that. Tim states that if Mr. Nardolillo wants to bring in outside legal counsel that has absolutely no jurisdiction over this Board, he's sure he can, along with everyone else in this room can do the same thing and come up with fifty percent no and fifty percent yes, but the bottom line is there is no provision to recall and or impeach any member of this Board, neither do the voters. John wants to simplify by asking, if we have a taxpayer that wants to make a change to the Board, why don't they have the right to do that? Tim Williamson's answer is because there is no legal provision to do so.

John D'Onofrio makes a motion that the Board does not block the Clerk from calling a meeting. Seconded by John Cook. Roll call vote is taken. John Cook aye, John D'Onofrio aye, Frank Palin no, Sam Rachiele no, Brenda Raposo no. Motion fails. John D'Onofrio wants it on record that he and Mr. Cook are in favor of calling the meeting, and if anyone wants to name the Board in a lawsuit, not to include them. John Cook adds, just for the record that he has signed that petition and publicly announces that he has no confidence in the Chairman of this Board.

Frank Palin moves forward to Mr. Williamson who has received an e-mail he has from David Gorman in regards to open session, collective bargaining concessions fiscal 2015 and collective bargaining negotiations fiscal 2016. Mr. Williamson states not only has he received an email, but has had a discussion over the phone and states that collective bargaining is not going to take place in a public forum. Frank Palin asks Mr. Gorman personally if he is willing to discuss the differences between the Board and Union in an open session so everything can come out and the truth will rule. Mr. Gorman

states he will discuss the differences between the Union and the Board all day long in public session. In regards to collective bargaining, he continues, we are not going to collectively bargain. Mr. Gorman states he would be more than happy to discuss what the Union has offered in regards to the Union has offered close to \$350,000.00 in saving dating back to May or March. The Union has collectively offered eliminating its minimum staffing provision in its entirety, also it has offered to give up three positions through members that have retired, by not requiring you to rehire. By eliminating the minimum staffing position we were giving up any overtime, ANY overtime for the rest of this fiscal year, David states. David goes on to say that if that offer was accepted back in May it would have equated to \$350,000.00 in savings. John D'Onofrio asks if that was BEFORE the district called for a supplemental tax increase, David responds yes. John D'Onofrio states that the fact is that the Unions' concessions were not contingent on the tax payers giving a tax increase. Brenda Raposo states that she asked that question specifically and Davids' response was yes, confirmed by Frank Palin. David states that at that time it may have well been but that was contingent upon \$300,000.00. the Board asked for \$600,000.00. it was doomed out of the gate. Brenda asks David why he wouldn't have honored the \$300,000.00 at that point. David states that he continued to have conversations with Mr. Williamson and the Union continued to offer the same type of concessions. David states that he has submitted 3 MOA's that he believes the Board was supposed to vote on at the last monthly meeting, no response. John D'Onofrio states for the record the Board did not receive those. However it is confirmed the Board did receive them. David Gorman states that he understands the tax collector is on vacation and that he is being shown failed leadership by allowing that in this time of crisis. David states to Frank that he has to go and he is hampering the department. David continues to say that Frank has not been to any negotiation sessions. Frank responds to David saying he has a convenient memory because the \$350,000.00 last June was contingent on the \$600,000.00 and also the Board of Directors made a unanimous decision to have Mr. Williamson negotiate for us to prevent any personality clashes that would take place. Frank states that Mr. Williamson is the professional and the five Board members are not professional negotiators. David Gorman states that neither is he, and that he is a professional fire fighter that he negotiates contracts on the side. David addresses Frank and tells him that when he wants to negotiate, Tim has his number, give him a call when he is serious. David Gorman says Frank wants to tank the fire department and that's all he's here for. Frank disagrees. David offers to meet in a closed executive session with the executive Board within the next 48 hours. Frank counter offers to meet with two members of the Board and the Board attorney, David is not interested. Frank offers to meet this evening, David states it would be illegal as it would have had to be posted, Frank responds "not with only two members".

John D'Onofrio addresses Frank and states that he has asked to set up an executive meeting with the entire Board and he refused, stating that anything but public negotiations is off the table, and stated he would not move on this. John believes this to be illegal, although not sure, he thinks its bad faith and it shows him and he takes a quote from the Providence Journal by Frank stating he is "more interested in tearing down this department to start from scratch". John reads from the Providence Journal. "Palin said Sunday he would prefer starting a new fire department from scratch that would supply fire protection, at a cheaper cost." John D'Onofrio says that Frank stated in the Providence Journal that his goal is to tear down this department and start again. John Cook states that at 5 pm this afternoon, Frank Palin was on the Buddy Cianci show and he stated the only option is for the town to start a new fire department and Buddy asked "from scratch"? And Franks answer was yes. Frank responds to this by stating the system we have now, does not work. It doesn't work in Central Coventry, it hasn't for four or five years, the tax payers, Frank continues but is interrupted by an attendee, which

he calls out of order. Frank states he will make a motion to adjourn this meeting, crowd gets loud. Frank says he has a second, all in favor, motion does not pass.

John D'Onofrio makes a motion that the Board set up an executive session for discussion with the Union. Seconded by John Cook. Tim Williamson stats it is not on the agenda. John D'Onofrio makes a motion to discuss and vote on, because it is an emergency, an executive session with the Union and all five Board members, seconded by John Cook. All in favor, ayes have it, motion passes. Now that it has been added to the agenda John D'Onofrio makes a motion that the Board schedules tonight an executive session, all five Board members with the Union to discuss concessions and collective bargaining 2016. Seconded by John Cook, all in favor, motion passes. Frank Palin ask John D'Onofrio to contact the Board members and come up with night where all members can be present. Frank Palin makes a motion to adjourn, seconded by Brenda Raposo, all in favor, motion passes.

Meeting Adjourned

Respectfully Submitted

Rob Catalfamo

Tax Collector / Clerk